IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2095 OF 2005

Jotiram Laxman Bune & Ors. : Petitioners

(Orig. Applicants)

V/s.

Devasthan Vyavasthapan Samiti,

Western Maharashtra : Respondent

(Orig. Respondent)

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Mr.M.L.Patil for the petitioners.

Mr.H.V.Kode for the respondent.

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CORAM : S.A. BOBDE, J.

July 15, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Kode, learned counsel, appears and waives service of rule on behalf of the respondent.

Heard by consent.

2. After hearing the matter for sometime, the following order is passed by consent:-

O R D E R

The order of the 5th Addl. District Judge, Kolhapur, in Regular Civil Appeal No.145 of 2001 is hereby set aside. The respondent may, without prejudice to the rights of the petitioner to obaject to the locus, file an application to the Court which granted the certificate in accordance with second clause of regulation 7 of the Bombay Regulation VIII of 1827. All contentions on locus, tenability and merits are left open.

3. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.